REMARKS

This Response is submitted in reply to the Final Office Action dated January 21, 2011, and in accordance with the telephone interview conducted on February 15, 2011. Claims 1, 6, 7, 9, 19 to 21, 61, 62, 64, and 67 have been amended for clarity. Claims 4, 5, 8, 16, 22, 23, 26, 30 to 60 and 63 were previously cancelled. Claims 10 to 12, 27 to 29 and 65 to 66 were previously withdrawn. A Request for Continued Examination is submitted herewith. Please charge deposit account 02-1818 for any fees which are due in connection with this Request for Continued Examination and this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Applicant requests that the Examiner allow the application or provide an upcoming Office Action which will ". . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 1 to 3, 6, 7, 9 to 15 and 17 to 20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Specifically, the Office Action stated:

> Claim 1 is are ineligible subject matter because the claimed limitations a computer-implemented gaming method include no recitation or insufficient recitation of a machine or transformation, or not directed to a proper application of a law of nature, or just a mere statement of a general concept. Although the claim discloses a gaming unit to receive and identifier, the claim fails to describe a gaming machine of performing the steps of identifying a player, determining the identifier, determining a time duration, initializing a timer, starting timer, determining a game outcome, determining an award, displaying any award, determining and displaying and determining a tournament score, and determining if the player is a winner.

Applicant respectfully disagrees. Nonetheless, to advance prosecution, Applicant has amended certain of these claims to address the Office Action's rejection. Accordingly, Applicant respectfully requests that the rejection of Claims 1 to 3, 6, 7, 9 to 15 and 17 to 20 under 35 U.S.C. § 101 be reconsidered and withdrawn.

The Office Action rejected Claims 1 to 3, 6, 7, 9 to 15, 17 to 21, 24, 25, 27 to 29, 61, 62, and 64 to 68 under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirement.

Specifically, the Office Action stated:

> [t]he claims incorporate the claim limitation of identifying a player of a first gaming unit, the player identified is association with a player tracking card, and receiving an identified associated with a tournament game card, the tournament game card is distinct from the player tracking card. Applicant's specification fails to explicitly disclose the steps of identifying a player of a first gaming unit, the player identified is association with a player tracking card, and receiving an identified associated with a tournament game card, the tournament game card is distinct from the player tracking card.

Applicant respectfully disagrees and submits that at least paragraph [0070] of the present application describes a player tracking card and identifying a player in association with the player tracking card. Applicant further submits that at least paragraphs [0236] to [0238] describe a tournament game card that is distinct or separate from the player tracking card. Specifically, paragraphs [0070] and [0236] to [0238] of the present application state:

> [0070] If provided, the card reader/writer 158 may include any type of card reading and/or writing device, such as a magnetic card reader or an optical card reader, and may be used to read (and, optionally, write) data from (to) a card offered by a player, such as a credit card, a player tracking card, a PC card, a smart card, etc. If provided for player tracking purposes, the card reader/writer 158 may be used to read data from, and/or write data to, player tracking cards that are capable of storing data representing the identity of a player, the identity of a casino, the player's gaming habits, etc.

> [0236] In some embodiments, a player may participate in a tournament by using a tournament game card. The tournament game card may be associated, for example, with a time period for playing in the tournament. For instance, tournament game cards may come in various denominations with regard to prices or time periods (e.g., a 10 minute card, a 30 minute card, a one hour card, etc.), or a card may be able to be configured for a specific time period. Additionally, tournament game cards may be associated with or configurable for association with one or more specific tournaments.

[0237] FIG. 20 is a flow diagram illustrating one embodiment of a method of playing in a tournament using a tournament game card. At block 802 of the method 800, a player may purchase a tournament game card. Purchasing the card may enable the player to play in a particular tournament for a given amount of time. The tournament game card may have associated with it a unique identifier that may be used to determine that the tournament game card is authentic. The unique identifier may comprise an identifier such as a validation alphanumeric number, or the like, and/or may comprise some other unique identifier. The card may be purchased at, for example, a convenience store, hotel, casino, via a web site, etc. When purchasing the tournament game card, the person or system selling the card may activate the card by, for example, notifying the tournament server 46 that the tournament game card has been purchased. The notification may include the unique identifier.

[0238] The tournament game card may be a paper card, plastic card, PC card, smart card, etc. If the unique identifier comprises a number, that number may be printed, affixed, displayed, etc., on the exterior of the card in a human readable format. The unique identifier may additionally or alternatively be printed, affixed, displayed, etc., on the exterior of the card in a machine readable format (e.g., bar code format). Additionally or alternatively, the unique identifier may be encoded electrically, magnetically, etc., on or within the tournament game card. For example, if the tournament game card includes a magnetically readable and/or writeable strip, the unique identifier may be magnetically encoded on the magnetic strip. As another example, if the tournament game card includes a memory, the unique identifier may be stored in the memory.

Accordingly, Applicant respectfully submits that the rejection of Claims 1 to 3, 6, 7, 9 to 15, 17 to 21, 24, 25, 27 to 29, 61, 62, and 64 to 68 under 35 U.S.C. §112, first paragraph be reconsidered and withdrawn.

The Office Action rejected Claims 1 to 3, 6, 7, 9, 13 to 15, 17 to 21, 24, 25, 61, 67 and 68 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,077,163 to Walker et al. ("Walker") in view of U.S. Published Patent Application No. 2002/012337 to Shulman.

Walker discloses a method and apparatus for operating a gaming device having a flat rate play session costing a flat rate price. The flat rate play session of Walker

spans multiple plays on the gaming device over a pre-established duration. The gaming device of Walker identifies price parameters and determines the flat rate price of playing the gaming device based on those price parameters. Once the player initiates play, the gaming device tracks the duration remaining in the flat rate play session and stops the play when the given period has elapsed.

Specifically, column 12, lines 22 to 60 of Walker discloses:

> [t]he operation of the slot machine 102 during the flat rate play session will now be described with reference to FIG. 9 and continuing reference to FIGS. 1-7. During the flat rate play session, a slot machine 102 operates generally as described above with reference to FIG. 2. However, the slot machine 102 is reconfigured to operate according to the player selected price parameters, if such parameters affect play, and to operate continuously, without requiring payment between each play. Specifically, the flat rate play session begins when the player presses the starting controller 222 in step 910. The CPU 210 also initiates a countdown of the length of the flat rate play session as stored in the player selected parameters field 512 of the flat rate database 246. With the start of the session, the CPU 210 stores the start time of the flat rate play session in the flat rate database 246. Specifically, the start time is stored in the time audit data field 520 in step 912. In step 914, the CPU 210 begins to count down the duration of the flat rate play session. Next, in step 916, the slot machine 102 generates an outcome and accesses payout table 228 to determine the appropriate corresponding number of coins to be paid out.
>
> Furthermore, in step 918, after each outcome is generated, the slot machine 102 determines whether the countdown of the interval remaining 516 has reached zero. It is to be understood that the countdown may be implemented in either software or hardware. Additionally, it is understood that the countdown process discussed herein may be replaced with any suitable means for tracking the duration of the flat rate play session. Interval remaining 516 may also represent the number of handle pulls remaining.
>
> In the event that the countdown has not reached zero, the player presses the starting controller 222 in step 920, thereby initiating another play of the slot machine 102. In the event that the countdown has reached zero, the CPU 210 generates a signal indicating that the flat rate play session has concluded. The slot machine 102 displays a message indicating this to the player and, in step 922, stores the end time of the session in the time audit data field 518 of the flat rate database.

Shulman discloses a computer assisted poker tournament where observers can view various virtual poker tables and decide if they want to participate at this table. Upon deciding to participate, the observer pays an entry fee, is given a corresponding number of virtual playing chips, and then can bet these chips through the network. As a participant, the network player can elect to withdraw from the tournament for any desired period of time and may re-enter any virtual tournament table that has openings in it. At a specified time the participant's total winnings are compared against those of other players to determine the tournament winner

Specifically, paragraph [0017] of Shulman discloses:

> [o]nce a decision is made to participate in the tournament the new entrant effects the entry fee payment by way of any generally known credit card or bank card debit and credit techniques. Having made such a payment the encryption code is then transferred or downloaded to the new tournament participant's data processing facility together with various identification codes and other security information. The new entrant is thus equipped to join any of one of the ongoing poker tables as vacancies occur. Alternatively, the new entrant may simply elect to wait until a vacancy occurs at the table of his or her choice. Once at the table, this new entrant can now elect to suspend his or her participation at any time, collecting his winnings or losses to become an observer again.

The Office Action stated that Walker discloses:

> receiving from said first gaming unit, and identifier associated with a game card an identifier (player game identification information stored on player tracking card, cols. 4:45-49, 6:1-12) the game card is provided to the player in response to paying fee (Player tracking game card is associated with player paid credit information, cols. 3:36- 39, 615-6);

> ...

> determining a time duration the identified player may play in the game based on

> the identifier, if the identifier is determined to be authentic (flat rate, time session is

> determined, cols. 3:6-17, 6:36-55);

> initializing a timer with the amount of time (in other words, the length of time of the flat rate play session is established and the

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CPU can initiates a countdown, Walker'163, cols. 5:5-14, 12:30-51, 13:5-55);

starting the timer (Walker'163, cols. 12:30-51);

for each play of the game during the determined time duration:

determining a game outcome from a plurality of different game outcomes,

determining any awards, and displaying the determined award (cols. 4:10-41);

stopping the timer after one of:

the timer has run for the determined amount of time duration (countdown reached zero, Walker'163, cols. 12:43-51), and

when the identified player terminates play on said first gaming unit prior to expiration of time of said determined time duration (player terminates play to play the remaining interval at a later time, Walker'163, cols. 13:5-55);

The Office Action acknowledged that Walker does <u>not</u> teach that:

the tournament game card is distinct from the player tracking card, the game is a tournament, wherein the tournament is in progress when the identifier is received, and the player plays in the time remaining the tournament in progress a tournament score is displayed, a winner is determined based on a comparison of the tournament score with a tournament score of at least one different player and determining a value payout to be award to the identified winning player.

Regarding the tournament card being distinct from the player tracking card, the Office Action stated that:

it would have been obvious to one of ordinary skilled in the art to modify Walker's tournament game card to be distinct from the player tracking card since it has been held that making components of an invention separable is obvious design change. *In re Dulberg*. This will provide a separate card to track the player and a separate card to store player's game credit. Therefore it would have obvious to one of ordinary skilled in the art to modify Walker'163 invention to have the tournament game card distinct form the player tracking card in order to provide a separate card to track the player and a separate card to store player's game credit.

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Applicant respectfully disagrees and submits that identifying a player in association with a player tracking card and further receiving an identifier associated with a tournament game card (which is provided in response to paying a fee) is substantially different than separating the components of an invention. As described in the specification of the present application, the player tracking card and the tournament game card of the gaming method of representative independent Claim 1 both perform different functions, are provided to the player under different conditions and are each associated with different information. Accordingly, any conclusion that these different elements are merely a separation of components is improper.

Moreover, as discussed during the interview, Applicant submits that the Office Action appears to interpret the tournament game card of the gaming method of independent Claim 1 as merely storing a player's game credits. Applicant respectfully disagrees with this oversimplification and submits that the tournament game card of the gaming method of independent Claim 1 is associated with an identifier which determines a time duration the player may play in the time remaining in the tournament. While the player tracking card of Walker stores player identifying information and a smart card of Walker stores player credit balance information, neither the player tracking card or the smart card of Walker, separately as two cards or in combination as a single card are associated with an identifier which determines a time duration a player may play in the time remaining in a tournament. That is, since the Office Action acknowledges the game of Walker is not a tournament, Walker cannot include any card associated with an identifier which determines a time duration a player may play in the time remaining in a tournament. In other words, Walker does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) identifying a player of a first gaming unit, the player identified in association with a player tracking card, enabling the identified player to select to play in a tournament, the tournament associated with tournament gaming software, and if the identified player selects to play in the tournament: receiving from the first gaming unit an identifier associated with a tournament game card, wherein the tournament is in progress when the identifier is received, the tournament game card is provided to the player in response to paying a fee and the tournament game card is distinct from the player tracking card, and if the

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identifier is determined to be authentic, determining a time duration the identified player may play in the time remaining in the tournament in progress, the determined time duration being based on the identifier.

Shulman does <u>not</u> cure these deficiencies of Walker.

While Shulman includes enabling a player to enter into an ongoing poker tournament, Shulman does <u>not</u> anticipate any tournament game card and certainly does <u>not</u> anticipate any tournament game card associated with an identifier, wherein the determined time duration the player may play in the time remaining in the tournament is based on the identifier associated with the tournament game card.

Accordingly, the gaming method of resulting from the combination of Walker and Shulman does <u>not</u> anticipate or render obvious (without the benefit of improper hindsight reconstruction) identifying a player of a first gaming unit, the player identified in association with a player tracking card and if the identified player selects to play in the tournament: receiving from the first gaming unit an identifier associated with the tournament game card, wherein the tournament is in progress when the identifier is received, and if the identifier is determined to be authentic: determining a time duration the identified player may play in the time remaining in the tournament in progress, the determined time duration being based on the identifier.

On the other hand, the gaming method of amended independent Claim 1 includes causing at least one processor to execute a plurality of instructions to identify a player of a first gaming unit, the player identified in association with a player tracking card, and if the identified player selects to play in the tournament: receiving from the first gaming unit, an identifier associated with the tournament game card, wherein the tournament is in progress when the identifier is received, and if the identifier is determined to be authentic, causing the at least one processor to execute the plurality of instructions to determine a time duration the identified player may play in the time remaining in the tournament in progress, the determined time duration being based on the identifier.

Nonetheless, Applicant has amended certain of the claims for clarity.

As discussed during the interview, Applicant submits that as the flat rate price for a particular flat rate session of Walker is based on the parameters of that particular flat

rate session, the flat rate price of Walker (i.e., the interpreted fee paid for the tournament game card of the gaming method of independent Claim 1) is determined after the parameters of the flat rate session have been determined. Thus, Walker does not anticipate after a tournament game card is provided to the player in response to paying a fee, enabling the identified player to select to play in a tournament.

Shulman does not cure these deficiencies of Walker.

Accordingly, the gaming method of resulting from the combination of Walker and Shulman does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) after a tournament game card is provided to the player in response to paying a fee, enabling the identified player to select to play in a tournament, the tournament associated with tournament gaming software and the tournament game card is distinct from the player tracking card. On the other hand, the gaming method of amended independent Claim 1 includes after a tournament game card is provided to the player in response to paying a fee, enabling the identified player to select to play in a tournament, the tournament associated with tournament gaming software and the tournament game card is distinct from the player tracking card.

For at least these reasons, Applicant respectfully submits that amended independent Claim 1 is patentably distinguished over Walker and Shulman and in condition for allowance.

Claims 2, 3, 6, 7, 9, 13 to 15 and 17 to 20 depend directly or indirectly from amended independent Claim 1 and are also allowable for the reasons given with respect to amended independent Claim 1 and because of the additional features recited in these claims.

Independent Claims 21, 61 and 67 each include certain elements similar to certain elements of amended independent Claim 1. For reasons similar to the reasoning discussed above with respect to independent Claim 1, independent Claims 21, 61 and 67 (and dependent Claims 24, 25 and 68) are each patentably distinguished over Walker and Shulman and are in condition for allowance.

The Office Action rejected Claims 62 and 64 under 35 U.S.C. §103(a) as being unpatentable over Walker in view of Shulman and further in view of U.S. Published Patent Application No. 2002/0013173 to Walker et al. ("Walker II).

Walker II discloses receiving a player identifier, transmitting the player identifier to a central server, receiving data corresponding to the player identifier from the central server, and configuring play of a casino game based on the data.

The Office Action stated:

> it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the method of playing a tournament game as suggested by the combination of Walker'163 and Shulman, and incorporate Walker'173's method of configuring a gaming machine, in order to allow users play a tournament game using any gaming machine within the casino.

Applicant respectfully submits that regardless of whether or not it would have been obvious to modify Walker and Shulman with Walker II as suggested by the Office Action, as described above, the combination of Walker and Shulman does not anticipate identifying a player of a first device, the player identified in association with a player tracking card, receiving, from the identified player who has selected the first device to play in a tournament between multiple players, a tournament identifier associated with a tournament game card, wherein the tournament is in progress when the first device is selected by the player for playing the tournament and the tournament game card is distinct from the player tracking card, determining based on the tournament identifier and the time that the tournament identifier is received whether to enable the player to join the tournament, determining, based on the tournament identifier, a tournament duration indicative of a time duration that the player may play in the tournament in the time remaining in the tournament when it is determined to enable the player to join the tournament.

Walker II does not cure these deficiencies of Walker and Shulman.

Accordingly, unlike the computer-implemented method for enabling a player to join a tournament in progress using a device of amended independent Claim 62, the combination of Walker, Shulman and Walker II does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) identifying a player of a first
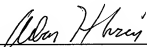
device, the player identified in association with a player tracking card, receiving, from the identified player who has selected the first device to play in a tournament between multiple players, a tournament identifier associated with a tournament game card, wherein the tournament is in progress when the first device is selected by the player for playing the tournament and the tournament game card is distinct from the player tracking card, determining based on the tournament identifier and the time that the tournament identifier is received whether to enable the player to join the tournament, determining, based on the tournament identifier, a tournament duration indicative of a time duration that the player may play in the tournament in the time remaining in the tournament when it is determined to enable the player to join the tournament.

For at least these reasons, Applicant respectfully submits that amended independent Claim 62 is patentably distinguished over Walker, Shulman and Walker II and in condition for allowance.

Claim 64 depends directly from amended independent Claim 62 and are also allowable for the reasons given with respect to amended independent Claim 62 and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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